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***UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA***

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD CARL BROWN,

Defendant.

2:12-cr-GMN-VCF

UNOPPOSED MOTION TO
CONTINUE GOVERNMENT'S
DEADLINE TO RESPOND TO
MOTION TO REOPEN DETENTION
PROCEEDINGS (#131) AND
DETENTION HEARING

The United States of America, by and through DANIEL G. BOGDEN, United States Attorney, and Amber M. Craig, Assistant United States Attorney, respectfully moves this Court to continue the Government's deadline to respond to the Defendant's Motion to Reopen Detention Proceedings, currently scheduled for July 14, 2015, and the detention hearing, currently scheduled for July 22, 2015, at 1:00 p.m., be vacated and continued for two weeks, or to a date to be set at the Court's convenience.

This stipulation is entered into for the following reasons:

1. Government counsel was on sick leave the week of July 13, 2015, and then traveled to New York for a witness interview in an unrelated case.
2. The U.S. Marshals recently informed the Government that an additional form needs to be submitted before they can transport Defendant from Big Spring FCI to the District of Nevada for the detention hearing and proceedings. The form is awaiting the U.S. Attorney's signature and will also

1 have to be notarized before it can be submitted.

2 3. Defense counsel does not oppose the continuance.

3 4. Defense counsel prefers that Defendant be present for the detention hearing and the U.S.
4 Marshals need additional time to transport him to the District of Nevada.

5 5. For the reasons stated above, the ends of justice would best be served by a continuance of
6 the response deadline and detention hearing.

7 6. Additionally, denial of this request for continuance could result in a miscarriage of
8 justice.

9 7. The additional time requested by this motion is excludable in computing the time
10 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
11 States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18, United
12 States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

13 8. This is the second request for a continuance of the response deadline and the first request
14 for a continuance of the detention hearing filed herein.

15 DATED this 21st day of July, 2015.

16 Respectfully Submitted,

17 DANIEL G. BOGDEN
18 United States Attorney

19 /s/ Amber M. Craig
20 AMBER M. CRAIG
21 Assistant United States Attorney
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD CARL BROWN,

Defendant.

2:12-cr-097-GMN-VCF

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

FINDINGS OF FACT

Based upon the Government's unopposed motion, and good cause appearing therefore, the Court finds that:

1. Government counsel was on sick leave the week of July 13, 2015, and then traveled to New York for a witness interview in an unrelated case.
2. The U.S. Marshals recently informed the Government that an additional form needs to be submitted before they can transport Defendant from Big Spring FCI to the District of Nevada for the detention hearing and proceedings. The form is awaiting the U.S. Attorney's signature and will also have to be notarized before it can be submitted.
3. Defense counsel does not oppose the continuance.
4. Defense counsel prefers that Defendant be present for the detention hearing and the U.S. Marshals need additional time to transport him to the District of Nevada.
5. For the reasons stated above, the ends of justice would best be served by a continuance of the response deadline and the detention hearing.
6. Additionally, denial of this request for continuance could result in a miscarriage of justice.
7. The additional time requested is excludable in computing the time within which the trial

herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the Defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.


The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(1)(A), (h)(7)(A), (h)(7)(B)(i), and (h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the Government's deadline to file its response to Defendant's Motion to Reopen Detention Proceedings, currently scheduled for July 14, 2015, be vacated and continued to the 30th day of July, 2015.

IT IS FURTHERED ORDERED that the detention hearing, currently scheduled for July 22, 2015, at 1:00 p.m., be vacated and continued to the 6th day of August, 2015, at the hour of 11:00 a.m..

DATED this 21st day of July, 2015.



HONORABLE CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE